

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
<b>Qwest Communications</b>	)	<b>WC Docket No. 02-314</b>
<b>International Inc.</b>	)	
	)	
Consolidated Application for Authority	)	
to Provide In-Region, InterLATA Services	)	
in Colorado, Idaho, Iowa, Montana,	)	
Nebraska, North Dakota, Utah,	)	
Washington, and Wyoming	)	

**REPLY DECLARATION OF MARY PAT CHESHER**

Pursuant to 47 C.F.R. § 1.16, Mary Pat Cheshier declares as follows:

1. My name is Mary Pat Cheshier. My business address is 118 South 19th Street, 10th Floor, Omaha, Nebraska 68102. I am Director Network Operations for the Qwest CLEC Coordination Center ("QCCC") for Qwest Corporation. In that position, I supervise the network operations of the QCCC, including adherence to Qwest and QCCC business processes for provisioning of unbundled loops for competitive local exchange carriers ("CLECs"), and supervision of employees in the QCCC. I am submitting this Declaration in response to the Declaration of Mr. Edward F. Stemple.

2. The QCCC is the Qwest Network Overall Control Office which exclusively coordinates the provisioning of unbundled loops for Qwest's 14-state region. The QCCC was opened in May 2001. I have been Director Network Operations of the QCCC since October 22, 2001.

3. The QCCC engages in numerous quality assurance processes in the provisioning of unbundled loops to CLECs. For circuits that are being converted from Qwest retail or wholesale dial tone to a CLEC unbundled loop, Qwest performs several tests in the days before the scheduled transfer. One such provisioning test is the 48-hour dial tone test, in which Qwest verifies that dial tone exists to the CLEC switch. Another such test is the performance of a mechanized loop test ("MLT") usually two to three days prior to the due date for a CLEC unbundled loop. The QCCC instituted this process because it found that it was receiving trouble reports from CLECs shortly after installation of loops with performance problems, in most cases marginal. By marginal performance problems, I mean problems with the underlying loop facility that may not have been reported by the existing Qwest customer, but which could lead to a trouble report when the loop is provided to the CLEC. To ensure that these conditions were repaired prior to turning the loop over to the CLEC and, in turn, the CLEC customer, on July 9, 2001, the QCCC instituted processes for performing an MLT on analog unbundled loops that were being converted from Qwest dial tone. This process was instituted solely to ensure that Qwest was able to provide a loop which met all technical specifications to the CLEC on the CLEC's requested due date.

4. To be clear, these MLTs were performed for existing analog unbundled loops that Qwest provided to its *CLEC* customers. The QCCC is not involved with and does not perform installations for Qwest retail customers. In addition, all MLTs that the QCCC performs occur as a part of the provisioning

process for analog unbundled loops. The QCCC does not perform MLTs on behalf of Qwest retail or for CLECs prior to the CLEC issuing a Local Service Request ("LSR"). The QCCC does not have responsibility for or connection with Qwest's pre-order processes for CLECs or for Qwest retail customers.

5. The MLTs that the QCCC performs have no relationship to or connection with loop qualification. By loop qualification, I mean a pre-order inquiry to determine whether a particular loop could support a particular advanced service, such as digital subscriber line ("DSL") service.

6. The information returned by the MLT is not used to populate any of Qwest's databases that contain loop make up information, such as the Loop Facilities Assignment System ("LFACS") or the Loop Qualification Database. Instead, information from the MLT is "cut" from the coordinator's screen and "pasted" into the circuit notes section of Qwest's WFA system. In addition, prior to January 1, 2002, a hard copy of the CLEC's MLT result was made and included in a file with the other test results for that unbundled loop conversion. An example of the file for a transaction prior to January 1, 2002, which includes MLT test results, is attached as Exhibit MPC-QCCC-1. An example of the file for a transaction following January 1, 2002, which does not include MLT test results, is attached as Exhibit MPC-QCCC-2. MPC-QCCC-2 is the hard copy record for one of the transactions that was observed during the July 23, 2002 site visit. Hard copies of the WFA notes were discontinued on January 1, 2002, when we determined that the records were adequately maintained in the WFA system.

7. The WFA circuit notes and hard copy of the MLT results are maintained as a complete record of the loop conversion transaction, and as a reference for future repair activity, and not as a record of the characteristics of the loops. This is part of the QCCC's processes for maintaining all documentation, MLT or otherwise, associated with each loop installation that it performs.

8. The MLT results are not entered into Qwest's LFACS systems or Qwest's Loop Qualification Database.

9. Three examples of the MLT results from the WFA system are attached as Exhibit MPC-QCCC-3. Example #1 (on the first page of Exhibit MPC-QCCC-3) shows the WFA notes record of the MLT test in the screen print on top of the page. The record of the MLT test is displayed in that screen between the Phrases "C NOTES" and "\*\*\* END OF CIRCUIT NOTES \*\*\*". The first line after "C NOTES" shows the telephone number ("TN"), the switch type ("SW"), and the termination point of the line on the switch ("OE"). REQ. is the type of MLT test run. The following fields are not used by the QCCC -- L# is used if more than one number is being tested, CMT and CA are fields for comments, and CO is used to identify central office equipment. The next five lines show the DC, AC, and MLT resistance and current for the segments from tip to ring, tip to ground, and ring to ground. The next three lines show OK Central Office test results. The last line shows that, because the test showed a hard battery, a call was made with no answer, and "Dave" was given responsibility to follow-up. The "hard battery" result was determined from the voltage listing for tip to ring and ring to ground.

10. Example #2 (on the second page of Exhibit MPC-QCCC-3) shows the WFA notes record of the MLT test in the screen print on top of the page. The record of the MLT test is displayed in that screen between the Phrases “C NOTES” and “\*\*\* END OF CIRCUIT NOTES \*\*\*”. The first line after “C NOTES” shows the telephone number (“TN”), the switch type (“SW”), and the termination point of the line on the switch (“OE”). The next three lines show the test results as “cross to working pair.” The next five lines show the DC, AC, and MLT resistance and current for the segments from tip to ring, tip to ground, and ring to ground. The last three lines show OK test results.

11. Example #3 (on the second page of Exhibit MPC-QCCC-3) shows the WFA notes record of a test result for a test run in relation to the transaction in Exhibit MPC-QCCC-2. The record of the MLT test is displayed in that screen between the Phrases “C NOTES” and “\*\*\* END OF CIRCUIT NOTES \*\*\*”. The first line after “C NOTES” shows the telephone number. The next two lines show a “test OK” result with tone ringer detected. The next five lines show the DC, AC, and MLT resistance and current for the segments from tip to ring, tip to ground, and ring to ground. The last two lines show a MLT loop length of 17,900 feet and a 100% capacitive balance and 65% loop length balance.

12. As the examples in Exhibit MPC-QCCC-3 demonstrate, the MLT information maintained in WFA includes only the following loop information:

(1) resistance and current for the segments from tip to ring, tip to ground, and ring to ground, (2) longitudinal and capacitive balance, and (3) loop length. With the

exception of loop length, if the CLEC has ordered performance testing, this information (although updated, because performance testing is conducted at the time of loop conversion) is passed to CLECs at the time of loop conversion. The following chart compares the information retained from MLT testing with the information provided to CLECs from performance testing:

	<b>Test Comparison</b>	
<b>Cooperative Tests</b>	<b>Performance Tests*</b>	<b>MLT Tests**</b>
Tip - Ground	Tip - Ground	Tip - Ground
Ring - Ground	Ring - Ground	Ring - Ground
Tip - Ring	Tip - Ring	Tip - Ring
Foreign Battery	Foreign Battery	Foreign Battery
Noise (Copper Facility) C - Message	Noise (Copper Facility) C – Message	
Noise (DLC) C - Notch	Noise (DLC) C – Notch	
Circuit Loss at 1004 Hz (Milliwatt)	Circuit Loss at 1004 Hz (Milliwatt)	
Line Balance	Line Balance	Capacitive Balance
Longitudinal Balance (Stress Test) (Optional)	Longitudinal Balance (Stress Test) (Optional)	
D - Mark Tagged	D - Mark Tagged	
Loop Length		Loop Length
Dial Tone Check	Dial Tone Check	Dial Tone Check

13. If a CLEC chooses cooperative testing, Qwest provides the CLEC information that the CLEC requests. If requested, Qwest provides all information set forth in the chart above. In addition, if the CLEC requests, Qwest provides loop length information with cooperative testing. Thus, if the CLEC has ordered cooperative testing, and the CLEC asks, Qwest provides to the CLEC all

information (although updated, because cooperative testing is conducted at the time of loop conversion) that is retained from MLT testing.

14. Beginning in approximately mid-May 2002, representatives of the United States Department of Justice ("DOJ") and the Federal Communications Commission ("FCC") visited the QCCC to observe Qwest's processes in performing "hot cuts" for CLECs. As used in this Declaration, a "hot cut" refers to the transfer of an existing, in service Qwest line to the CLEC as an unbundled loop. The DOJ visited the QCCC on May 15, 2002, and the FCC visited the QCCC on June 5, 2002, July 23, 2002, and September 27, 2002.

15. Because I was informed that members of the DOJ and FCC were interested in observing Qwest's "hot cut" processes, in connection with these visits, Qwest selected orders that would be provisioned on the days of the FCC and DOJ visits to enable the FCC and the DOJ to observe the QCCC's processes for performing loop conversions on the due date of the orders. In other words, we selected orders that were due the day of the visit, and demonstrated the QCCC's processes for due date activities.

16. Prior to these visits, service representatives in the QCCC were informed that visitors would be coming on the designated dates and that the visitors would observe them performing their work activities. At no time during any of these visits did I instruct the service representatives to deviate from their standard business processes, nor did I instruct anyone else to inform these employees to deviate from their standard processes. In fact, prior to the first DOJ

visit, I had a conversation with Nancy Lubamersky, a member of Qwest's 271 team, who informed me that the service representatives should adhere to their normal, documented business processes during visits from regulators. I informed Ms. Lubamersky that even if she requested me to deviate from processes, I would not instruct my employees to do so. I did not instruct any employees to hide information from the FCC or DOJ, nor did I instruct any employee to so instruct the service representatives. I did not instruct any employee who was to be observed to withhold information or in any way lie to the DOJ or FCC about the performance of MLTs, nor did I instruct any employee to so instruct the service representatives.

17. On the day of the May 2002 visit from the DOJ, Ms. Lubamersky, who attended the DOJ visit, arrived at the QCCC prior to the DOJ. Ms. Lubamersky asked that we take down charts from five white boards that included the results of various performance metrics. The charts that Ms. Lubamersky asked that I remove were titled "MLT Test Results", and showed the percentage of time that the provisioning team performed MLT tests. I asked one of my supervisors to remove the charts as requested. I have attached an example of the chart removed as Exhibit MPC-QCCC-4. Contrary to Mr. Stemple's Declaration, this is the only requested change to the QCCC environment and processes that Ms. Lubamersky requested and that we made for the visit. Similar charts were removed before the June 5 visit by the FCC. Ms. Lubamersky did not attend the July 23, 2002 FCC visit. Because we had made similar changes before the first two visits, we removed the notation "MLT" above the charts, but the charts



remained up, with a notation regarding "Test Results" and not "MLT Results."

Prior to the September 27, 2002 visit of the FCC Staff, Ms. Lubamersky told us not to make any changes, and the charts remained in place and no changes were made to the headings.

18. During the DOJ visit in May 2002 and subsequent FCC visits, Scott Simanson and the service representatives showed representatives of the DOJ and FCC the files that the QCCC representatives maintain for each coordinated cut as well as the file boxes that the QCCC maintains on each CLEC loop it provisions. These files and boxes included files before January 1, 2002, that contained the results of MLTs, and Qwest made no effort to disguise those files or results to the regulators.

19. The first page of the records shown during the visits contains a notation "MLT Test Performed – Yes or No (circle one)". Examples of this notation can be seen on the first page of Exhibits MPC-QCCC-1 and -2.

20. In fact, at the July 23<sup>rd</sup> visit, Mr. Simanson pointed out the MLT test while a folder from the retention boxes was being reviewed.

21. During the visits, the visiting members of the FCC Staff and DOJ observed the following service representatives at work: Derek Breeling, Kerri Siebert, Donovan Trevarrow, Jeff Leege and Keith White. No other service representatives were observed at work.

22. After the FCC visit in July 2002, some members of the QCCC staff expressed to me that service representatives were confused about why the

charts were removed from the whiteboards. The report I received was that some employees expressed concern that they would not be properly recognized for performing their duties, which included the performance of an MLT, if they continued performing MLTs. In response to these concerns, I sent the e-mail attached as Attachment 1 to Mr. Stemple's Declaration. I did not fully understand the dispute with state regulators and CLECs regarding the performance of MLTs and, accordingly, I simply recited my understanding of the issue. The intent of my e-mail was to allay any concern that there was anything wrong with performing MLTs.

23. The first four paragraphs of the e-mail were my attempt to explain, based upon my incomplete information and understanding, why the charts were removed before the first two visits and the headings were erased for the July 23 visit. Because Nancy Lubamersky is the one who instructed us to remove the charts, her explanation of why she told us to do so would be more accurate than my e-mail. I did not ask Ms. Lubamersky or anyone else in Qwest Policy and Law to review the e-mail before it was sent. The true intent of the e-mail is captured by the next-to-last sentence: "The work you do in performing the MLT test is extremely important and the internal process focus and results are highly visible to the Network organization."